

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BETH WONDERCHECK, as)	
Personal Representative)	
estate of)	4:06CV3087
MICHAEL WONDERCHECK ,)	
)	
Plaintiff,)	
)	MEMORANDUM AND ORDER
v.)	
)	
STATE OF NEBRASKA; JOHN DOE,)	
Individually and in his)	
Capacity as State Trooper of)	
the Nebraska State Patrol,)	
CITY OF GERING; CITY OF)	
BAYARD; SCOTTS BLUFF COUNTY;)	
JAMES JACKSON, Individually)	
And in His Capacity as a)	
Police Officer for the City)	
of Gering; KRIS STILL, TRENT)	
ZWICKL, MARK BLISS, and)	
DEPUTY PERKINS, in Their)	
Individual and Official)	
Capacities as Deputies for)	
Scotts Bluff County; Z.)	
DOUGLASS, Individually and)	
His Capacity as Police)	
Officer for the City of)	
Bayard;)	
)	
Defendants.)	

The plaintiff has filed a wrongful death action seeking recovery under 42 U.S.C. § 1983 and Neb. Rev. Stat. § 30-809. The plaintiff alleges this court has federal question subject matter jurisdiction. The defendants have each filed Rule 12(b)(6) motions to dismiss, arguing the plaintiff's complaint fails to state a claim for recovery under federal law. Accordingly, they further argue this court lacks subject matter jurisdiction. These motions to dismiss were recently filed and

will not be resolved before the June 20, 2006 deadline for filing the parties' Rule 26(f) Report of Parties' Planning Conference.

Defendants City of Gering and James Jackson have orally moved for a continuance of the Rule 26(f) Report deadline. The plaintiff has no objection to the requested continuance. I find the motion for a continuance should be granted.

IT IS THEREFORE HEREBY ORDERED:

- a. The oral motion for an extension of the deadline for filing the Report of Parties' Planning Conference is granted.
- b. Provided the case is not dismissed, the parties shall electronically file their Rule 26 meeting report within ten days after the court's ruling on the defendants' pending motions to dismiss.

DATED this 19th day of June, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge